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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 7th August, 2014:—

BILL NO. 91 OF 2014

A Bill further to amend the Railways Act, 1989

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Railways (Amendment) Act, 2014.

Short title
and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

24 of 1989.

2. In section 109 of the Railways Act, 1989 (hereinafter referred to as the principal Act), after clause (b), the following proviso shall be inserted, namely:—

Amendment
of section
109.

“Provided that the railway administration where the loss of life or personal injury to a passenger occurs shall be made a party amongst others, if any, before the Claims Tribunal.”

3. In section 123 of the principal Act,—

Amendment
of section
123.

(a) after clause (a), the following clause shall be inserted, namely:—

“(aa) “accidental falling” means accidental falling of any passenger from a train carrying passengers but does not include—

(i) a passenger falling from a train while entering or leaving or attempting to enter or leave any carriage while the train is in motion, or elsewhere than at the side of the carriage adjoining the platform, or other place appointed by the railway administration for passengers to enter or leave the carriage, or while standing near the door or opens the door of any carriage while the train is in motion; or

(ii) a person who violates the provisions of section 153 or section 154; or

(iii) any passenger or any other person referred to in section 156;’;

(b) in clause (c), sub-clause (2) shall be omitted.

Insertion of
new section
124B.

4. After section 124A of the principal Act, the following section shall be inserted, namely:—

Compensation
on account of
accidental
falling.

“124B. When in the course of working a railway, an incident of accidental falling occurs, then, whether or not there has been any wrongful act, neglect or default on the part of the railway administration such as would entitle a passenger who has been injured or the dependent of a passenger who has been killed to maintain an action and recover damages in respect thereof, the railway administration shall, notwithstanding anything contained in any other law, for the time being in force, be liable to pay compensation to such extent as may be prescribed and to that extent only, for loss occasioned by the death of, or injury to, a passenger as a result of such accidental falling:

Provided that no compensation shall be payable under this section by the railway administration if the passenger dies or suffers injury due to—

(a) suicide or attempted suicide by him;

(b) self-inflicted injury;

(c) his own criminal act;

(d) his own carelessness or negligence:

Provided that for the purposes of this clause, it may be established and proved by the passenger or on his behalf that he had taken reasonable care and precaution to avoid occurrence of such incident;

(e) any act committed by him in a state of intoxication or insanity.’’.

STATEMENT OF OBJECTS AND REASONS

At present, the provisions of section 109 of the Railways Act, 1989 provides that an application before the Claims Tribunal for compensation for loss of life or personal injury to a passenger, may be instituted against,—

- (i) the railway administration from where the passenger obtained his pass or purchased his ticket, or
- (ii) the railway administration on whose railway the destination station lies, or
- (iii) the loss or personal injury occurred.

2. The options made available for filing of claims are misused and claims against different railways are filed for the same loss or injury, resulting into filing of duplicate and false claims by the claimants causing loss to the exchequer. To prevent this, it is considered necessary that the railway under whose jurisdiction the loss or injury has occurred should as a rule be made a party amongst others, if any, before the Railway Claims Tribunal, so that the railway under whose jurisdiction loss or injury occurred can check, if the claim against such loss or injury has already been filed.

3. Under sub-clause (2) of clause (c) of section 123 of the Railways Act, 1989, accident cases of ‘the accidental falling’ of any passenger from a train carrying passengers has been included in the definition of ‘untoward incident’. Most of the cases of ‘the accidental falling’ arising out of falling down from train are because of negligence, carelessness and misadventure on the part of the passengers while entraining and detraining a moving train knowing that any accident may take place. However, railways are being made liable to pay compensation even when there is no fault on the part of railway.

4. Therefore, cases of ‘accidental falling’ will be categorised separately under clause (aa) in section 123 to enable railways to ensure its liability when there is fault on its part and non-payment where there is no fault on its part in such incidents.

5. Through the proposed amendments, the filing of duplicate claims, by making different railways as party for the same claim, could be avoided, and the settlement of compensation in train accidents and untoward incidents, where there is fault on the part of railway, will be expedited. Accordingly, it is proposed to amend the Railways Act, 1989.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 30th July, 2014.

D.V. SADANANDA GOWDA

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to insert a new section 124B in the Railways Act, 1989. Under the said section, the railway administration will pay compensation to a passenger who has been injured or to his dependent in case of his death, if an incident of accidental falling occurs, but no compensation will be paid due to his negligence, carelessness etc. As the compensation for the cases mentioned in the proposed amendment is already being paid by the railways, no additional financial implications are involved. Instead, loss to the exchequer could be avoided by ensuring that railway is not made liable to pay compensation in accidents caused due to carelessness and negligence on the part of travelling passengers. The provisions of new section 124B do not involve any additional expenditure of non-recurring nature.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill seeks to insert a new section 124B in the Railways Act, 1989. Under the said section, the extent of compensation payable to any person in case of death or injuries will be prescribed by rules made under section 129 of the said Act.

2. The matters in respect of which rules may be made are matters of administrative detail, and as such, it is not practicable to provide for them in the Bill itself.

3. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 92 OF 2014

A Bill further to amend the Apprentices Act, 1961.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Apprentices (Amendment) Act, 2014.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 2.

2. In the Apprentices Act, 1961 (hereinafter referred to as the principal Act), in section 2,—

(i) in clause (d), in sub-clause (1), after item (b), the following item shall be inserted, namely:—

“(bb) any establishment which is operating business or trade from different locations situated in four or more States, or”;

(ii) for clauses (e), (j) and (k), the following clauses shall respectively be substituted, namely:—

‘(e) “designated trade” means any trade or occupation or any subject field in engineering or non-engineering or technology or any vocational course which the Central Government, after consultation with the Central Apprenticeship Council, may, by notification in the Official Gazette, specify as a designated trade for the purposes of this Act;

(j) “graduate or technician apprentice” means an apprentice who holds, or is undergoing training in order that he may hold a degree or diploma in engineering or non-engineering or technology or equivalent qualification granted by any institution recognised by the Government and undergoes apprenticeship training in any designated trade;

(k) “industry” means any industry or business in which any trade, occupation or subject field in engineering or non-engineering or technology or any vocational course may be specified as a designated trade or optional trade or both;’;

(iii) after clause (l), the following clauses shall be inserted, namely:—

‘(ll) “optional trade” means any trade or occupation or any subject field in engineering or non-engineering or technology or any vocational course as may be determined by the employer for the purposes of this Act;

(lll) “portal-site” means a website of the Central Government for exchange of information under this Act;’;

(iv) in clause (pp), for the words “such subject field in any vocational course as may be prescribed”, the words “designated trade” shall be substituted;

(v) for clauses (q) and (r), the following clauses shall be substituted, namely:—

‘(q) “trade apprentice” means an apprentice who undergoes apprenticeship training in any designated trade;

(r) “worker” means any person working in the premises of the employer, who is employed for wages in any kind of work either directly or through any agency including a contractor and who gets his wages directly or indirectly from the employer but shall not include an apprentice referred to in clause (aa).’.

3. In section 3 of the principal Act, for clause (a), the following clause shall be substituted, namely:—

Amendment
of section 3.

“(a) is not less than fourteen years of age, and for designated trades related to hazardous industries, not less than eighteen years of age; and”.

4. In section 4 of the principal Act,—

Amendment
of section 4.

(i) for sub-section (4), the following sub-sections shall be substituted, namely:—

“(4) Every contract of apprenticeship entered into under sub-section (1) shall be sent by the employer within thirty days to the Apprenticeship Adviser until a portal-site is developed by the Central Government, and thereafter the details of contract of apprenticeship shall be entered on the portal-site within seven days, for verification and registration.

(4A) In the case of objection in the contract of apprenticeship, the Apprenticeship Adviser shall convey the objection to the employer within fifteen days from the date of its receipt.

(4B) The Apprenticeship Adviser shall register the contract of apprenticeship within thirty days from the date of its receipt.”;

(ii) sub-section (5) shall be omitted.

Insertion of
new sections
5A and 5B.

5. After section 5 of the principal Act, the following sections shall be inserted, namely:—

Regulation of
optional
trade.

“5A. The qualification, period of apprenticeship training, holding of test, grant of certificate and other conditions relating to the apprentices in optional trade shall be such as may be prescribed.

Engagement
of apprentices
from other
States.

5B. The employer may engage apprentices from other States for the purpose of providing apprenticeship training to the apprentices.”.

Amendment
of section 6.

6. In section 6 of the principal Act,—

(i) in clause (a), for the words “determined by that Council”, the word “prescribed” shall be substituted;

(ii) for clause (aa), the following clause shall be substituted, namely:—

“(aa) in the case of trade apprentices who, having undergone institutional training in a school or other institution affiliated to or recognised by a Board or State Council of Technical Education or any other authority or courses approved under any scheme which the Central Government may, by notification in the Official Gazette specify in this behalf, have passed the trade tests or examinations conducted by that Board or State Council or authority or by any other agency authorised by the Central Government, the period of apprenticeship training shall be such as may be prescribed;”.

Substitution of
section 8.

7. For section 8 of the principal Act, the following section shall be substituted, namely:—

Number of
apprentices for
a designated
trade and
optional trade.

“8 (1) The Central Government shall prescribe the number of apprentices to be engaged by the employer for designated trade and optional trade.

(2) Several employers may join together either themselves or through an agency, approved by the Apprenticeship Adviser, according to the guidelines issued from time to time by the Central Government in this behalf, for the purpose of providing apprenticeship training to the apprentices under them.”.

Amendment
of section 9.

8. In section 9 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Every employer shall make suitable arrangements in his workplace for imparting a course of practical training to every apprentice engaged by him.”;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Such of the trade apprentices who have not undergone institutional training in a school or other institution recognised by the National Council or any other institution affiliated to or recognised by a Board or State Council of Technical Education or any other authority which the Central Government may, by notification in the Official Gazette, specify in this behalf, shall, before admission in the workplace for practical training, undergo a course of basic training and the course of basic training shall be given to the trade apprentices in any institute having adequate facilities.”;

(iii) sub-sections 4A, 4B, 5 and 6 shall be omitted.

(iv) for sub-section (7) and sub-section (7A), the following sub-sections shall be substituted, namely:—

“(7) In the case of an apprentice other than a graduate or technician apprentice or technician (vocational) apprentice, the syllabus of and the equipment to be utilised for, practical training including basic training in any designated trade shall be such as may be approved by the Central Government in consultation with the Central Apprenticeship Council.

(7A) In the case of graduate or technician apprentices or technician (vocational) apprentices, the programme of apprenticeship training and the facilities required for such training in any designated trade shall be such as may be approved by the Central Government in consultation with the Central Apprenticeship Council.”;

(v) in sub-section (8), in clause (c), after the words “employer alone”, the words “except apprentices who holds degree or diploma in non-engineering” shall be inserted.

9. In section 15 of the principal Act,—

Amendment of section 15.

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The weekly and daily hours of work of an apprentice while undergoing practical training in a workplace shall be as determined by the employer subject to the compliance with the training duration, if prescribed.”;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) An apprentice shall be entitled to such leave and holidays as are observed in the establishment in which he is undergoing training.”.

10. In section 19 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

Amendment of section 19.

“(2) Until a portal-site is developed by the Central Government, every employer shall furnish such information and return in such form as may be prescribed, to such authorities at such intervals as may be prescribed.

(3) Every employer shall also give trade-wise requirement and engagement of apprentices in respect of apprenticeship training on portal-site developed by the Central Government in this regard.”.

11. In section 21 of the principal Act,—

Amendment of section 21.

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Every trade apprentice who has completed the period of training may appear for a test to be conducted by the National Council or any other agency authorised by the Central Government to determine his proficiency in the designated trade in which he has undergone apprenticeship training.”;

(ii) in sub-section (2), after the words “National Council”, the words “or by the other agency authorised by the Central Government” shall be inserted.

12. In section 22 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

Amendment of section 22.

“(1) Every employer shall formulate its own policy for recruiting any apprentice who has completed the period of apprenticeship training in his establishment.”.

13. In section 30 of the principal Act,—

Amendment of section 30.

(i) for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) If any employer contravenes the provisions of this Act relating to the number of apprentices which he is required to engage under those provisions,

he shall be given a month's notice in writing, by an officer duly authorised in this behalf by the appropriate Government, for explaining the reasons for such contravention.

(1A) In case the employer fails to reply the notice within the period specified under sub-section (1), or the authorised officer, after giving him an opportunity of being heard, is not satisfied with the reasons given by the employer, he shall be punishable with fine of five hundred rupees per shortfall of apprenticeship month for first three months and thereafter one thousand rupees per month till such number of seats are filled up.”;

(ii) in sub-section (2),—

(a) after clause (f), the following clauses shall be inserted, namely:—

“(g) engages as an apprentice a person who is not qualified for being so engaged, or

(h) fails to carry out the terms and conditions of a contract of apprenticeship.”;

(b) for the words “imprisonment for a term which may extend to six months or with fine or with both” , the words “fine of one thousand rupees for every occurrence” shall be substituted.

(iii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) The provisions of this section shall not apply to any establishment or industry which is under the Board for Industrial and Financial Reconstruction established under the Sick Industrial Companies (Special Provisions) Act, 1985.”.

1 of 1986.

Amendment
of section 37.

14. In section 37 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The powers to make rules under this section shall include the power to make such rules or any of them retrospectively from a date not earlier than the date on which this Act received the assent of the President, but no such retrospective effect shall be given to any such rule so as to prejudicially affect the interests of any person to whom such rule may be applicable.”.

STATEMENT OF OBJECTS AND REASONS

The Apprentices Act, 1961 was enacted with the objective of regulating the programme of training of apprentices in the industry by utilising the facilities available therein for imparting on-the-job training. The Act was amended in 1973 and 1986 to include training of graduates, technicians and technician (vocational) apprentices respectively under its purview. It was further amended in 1997 and 2007 to amend various sections of the Act as regards definition of “establishment”, “worker”, number of apprentices for a designated trade and reservation for candidates belonging to Other Backward Classes, etc. Comparing the size and rate of growth of economy of India, the performance of Apprenticeship Training Scheme (ATS) is not satisfactory and a large number of training facilities available in the industry are going unutilised depriving unemployed youth to avail the benefits of the ATS. Employers are of the opinion that provisions of the Act are too rigid to encourage them to engage apprentices and provision relating to penalty create fear amongst them of prosecution and they have suggested to modify the Apprentices Act suitably.

In order to make the apprenticeship more responsive to youth and industry, a slew of suggestions have been received from various quarters for making changes in the Apprentices Act and these were discussed in Inter Ministerial Group (IMG). Recommendations of the IMG for making changes in the Act were uploaded on the website for seeking the comments of public and deliberated in meeting of Central Apprenticeship Council (CAC)- a statutory body. Based on the consensus evolved in CAC, these amendments are proposed. The major changes are given below:—

- (i) providing for establishments operating in four or more States will be taken into the fold of Directorate General of Employment and Training;
- (ii) providing for prescribing number of apprentices to be engaged at establishment level instead of tradewise;
- (iii) providing for apprenticeship training to non-engineering graduate and diploma holders;
- (iv) providing for employers to undertake new courses (optional trades) which are demand based;
- (v) providing for employers to determine, qualification, period of apprenticeship training, holding of test, grant of certificate and other conditions relating to the apprentice in optional trade;
- (vi) providing for simplifying the procedure for registration of contract apprenticeship training;
- (vii) providing for exchange of information through a portal-site;
- (viii) providing for allowing employers to engage apprentices from other States.
- (ix) providing for employers to formulate their own policy for recruiting apprentice;
- (x) the regime for penalties will be in terms of fine only;
- (xi) providing for ex post facto rule making powers to facilitate recognition of training started pending notification of new trades under the Act;
- (xii) providing for sitting in the examination optional and certification from any competent agency.

The Bill seeks to achieve the above objectives.

NEW DELHI;
The 5th August, 2014.

NARENDRA SINGH TOMAR.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill seeks to insert new section 5(A) which empowers the Central Government to make rules in regard to qualification, period of apprenticeship training, holding of test, grant of certificate and other conditions relating to the apprentices in the optional trades.

2. Clause 6 of the Bill seeks to amend section 6 which empowers the Central Government to make rules to provide the period of apprenticeship training.

3. Clause 7 of the Bill seeks to substitute section 8 which empowers the Central Government to make rules in regard to number of apprentices to be engaged by the employer for designated and optional trades.

4. Clause 10 of the Bill seeks the substitute sub-section (2) of section 19 which empowers the Central Government to make rules for the employer to furnish information and returns, etc., to such authorities and in such intervals until a portal-site is developed.

5. The matters in respect of which rules may be made are matters of procedure and detail. The delegation of power is, therefore, of a normal character.

BILL NO. 93 OF 2014

A Bill further to amend the Factories Act, 1948.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Factories (Amendment) Act, 2014.

Short title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification, in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

63 of 1948.

2. In section 2 of the Factories Act, 1948 (hereinafter referred to as the principal Act),—

Amendment
of section 2.

(i) for clause (cb), the following clause shall be substituted, namely:—

‘(cb) “hazardous process” means any process where, unless special care is taken, raw materials, hazardous substances used therein or the intermediate or finished products, bye products, wastes or effluents thereof would—

(A) cause material impairment to the health of the persons engaged in or connected therewith; or

(B) result in the pollution of the general environment;’;

(ii) after clause (cb), the following clause shall be inserted, namely:—

‘(cc) “hazardous substance” means any substance as prescribed or preparation of which by reason of its chemical or physio-chemical properties or handling is liable to cause physical or health hazards to human being or may cause harm to other living creatures, plants, micro-organisms, property or the environment;’;

(iii) after clause (e), the following clause shall be inserted, namely:—

‘(ea) “disability” shall have the same meaning assigned to it in clause (i) of section 2 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;’;

1 of 1996.

(iv) in clause (f), after the words “particular area”, the words “or a factory” shall be inserted;

(v) in clause (k), for sub-clause (iv), the following sub-clause shall be substituted, namely:—

“(iv) composing and processing for printing, printing by letter press, lithography, offset, photogravure, screen printing, flexography, or other similar process or binding; or”;

(vi) in clause (m),—

(a) in sub-clause (i), after the words “whereon ten or more workers”, the words “or such number of workers as may be prescribed by the State Government” shall be inserted;

(b) in sub-clause (ii), after the words “whereon twenty or more workers”, the words “or such number of workers as may be prescribed by the State Government” shall be inserted;

(c) after sub-clause (ii) but before *Explanation. 1*, the following proviso shall be inserted, namely:—

“Provided that the number of workers specified in sub-clause (i) and sub-clause (ii) shall not exceed twenty and forty workers, respectively.”;

(vii) in clause (n), in the first proviso, for sub-clause (iii), the following sub-clause shall be substituted, namely:—

“(iii) in the case of a factory owned or controlled by the Central Government, or any State Government, or any local authority, the person or persons appointed to manage the factory by the Central Government, the State Government or the local authority or such authority as may be prescribed, as the case may be, shall be deemed to be the occupier;”;

(viii) for clause (p), the following clause shall be substituted, namely:—

‘(p) “prescribed” means prescribed by rules made by the Central Government or the State Government, as the case may be, under this Act;’.

Amendment
of section 6.

3. In section 6 of the principal Act, for the *Explanation*, the following *Explanation* shall be substituted, namely:—

“*Explanation.*—A factory shall not be deemed to be extended within the meaning of this section by reason only of the replacement of any plant or machinery or within such limits as may be prescribed, or the addition of any plant or machinery, if such replacement or addition does not reduce the minimum clear space required for safe working around the plant or machinery or result in hazardous conditions likely to cause accident, dangerous occurrence or injuries to health of workers or public or adversely affect the environmental conditions from the evolution or emission of steam, heat or dust or fumes, or chemical or biological wastes injurious to health and a certificate in writing shall be given by a competent person to this effect:

Provided that till such certificate is given by a competent person, a certificate given in writing by the occupier shall be valid.”.

4. In section 7 of the principal Act, in sub-section (1), in clause (e), for the word “horsepower” at both the places where it occurs, the words “power in Kilowatts” shall be substituted.

Amendment of section 7.

5. In section 7B of the principal Act,—

Amendment of section 7B.

(a) for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) It shall be the duty of a person,—

(a) who erects or installs any article for use in a factory, to ensure, so far as practicable, that such article so erected or installed does not make it unsafe or a risk to health when that article is used by the persons in such factory;

(b) who manufactures, imports or supplies any substance for use in any factory—

(i) to ensure, so far as practicable, that such substance is safe and has no risks involved to health of persons working in such factory;

(ii) to carry out or arrange for carrying out of such tests and examination in relation to such substance as may be necessary;

(iii) to take such steps as are necessary to secure that the information about the results of tests carried out in connection with the use of the substance as referred to in sub-clause (ii) is available in a factory along with conditions necessary to ensure its safe use and no risks to health;

(c) who undertakes the manufacture of any substance for use in any factory to carry out or arrange for the carrying out of any necessary research with a view to discover and, so far as practicable, to ensure the elimination or minimisation of any risks to health or safety to which the substance may give rise out of such manufacture or research.”;

(b) in sub-section (6), for the word “article” at both the places where it occurs, the words “article or substance” shall be substituted;

(c) for the *Explanation*, the following *Explanation* shall be substituted, namely:—

‘*Explanation.*—For the purposes of this section—

(a) “article” shall include plant and machinery;

(b) “substance” means any natural or artificial substance whether in a solid or liquid form or in the form of a gas or vapour; and

(c) “substance for use in any factory” means any substance whether or not intended for use by persons working in a factory.’.

6. In section 13 of the principal Act, in sub-section (2), for the words “The State Government”, the words “The Central Government or the State Government” shall be substituted.

Amendment of section 13.

7. In section 17 of the principal Act, in sub-section (4), for the words “The State Government”, the words “The Central Government or the State Government” shall be substituted.

Amendment of section 17.

8. In section 18 of the principal Act, in sub-section (3), the words “wherein more than two hundred and fifty workers are ordinarily employed” shall be omitted.

Amendment of section 18.

9. In section 20 of the principal Act, sub-section (4) shall be omitted.

Amendment of section 20.

10. In section 21 of the principal Act, in sub-section (2), for the words “The State Government”, the words “The Central Government or the State Government” shall be substituted.

Amendment of section 21.

Amendment of section 22.	<p>11. In section 22 of the principal Act,—</p> <p>(a) in sub-section (1), for the words and brackets “adult male worker wearing tight fitting clothing (which shall be supplied by the occupier)”, the words and brackets “adult male worker wearing tight fitting clothing or adult female worker wearing tight fitting clothing (which shall be supplied by the occupier), covering loose hair” shall be substituted;</p> <p>(b) in sub-section (2), for the word “woman” at both the places where it occurs, the words “pregnant woman or a person with disability” shall be substituted;</p> <p>(c) in sub-section (3), for the words “The State Government”, the words “The Central Government or the State Government” shall be substituted.</p>
Amendment of section 23.	12. In section 23 of the principal Act, in sub-section (2), for the words “the State Government”, the words “the Central Government or the State Government” shall be substituted.
Omission of section 26.	13. Section 26 of the principal Act shall be omitted.
Substitution of new section for section 27.	14. For section 27 of the principal Act, the following section shall be substituted, namely:—
Prohibition of employment of young persons, pregnant woman and persons with disabilities near cotton-openers.	“27. No young person or pregnant woman or a person with disability shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work.”.
Amendment of section 28.	15. In section 28 of the principal Act, in sub-section (4), for the words “The State Government”, the words “The Central Government or the State Government” shall be substituted.
Amendment of section 29.	16. In section 29 of the principal Act, in sub-section (2), for the words “The State Government”, the words “The Central Government or the State Government” shall be substituted.
Amendment of section 31.	17. In section 31 of the principal Act, in sub-sections (2) and (3), for the words “The State Government”, the words “The Central Government or the State Government” shall be substituted.
Amendment of section 34.	18. In section 34 of the principal Act, in sub-section (2), for the words “The State Government”, the words “The Central Government or the State Government” shall be substituted.
Amendment of section 35.	19. In section 35 of the principal Act, for the words “the State Government”, the words “the Central Government or the State Government” shall be substituted.
Insertion of new section 35A.	20. After section 35 of the principal Act, the following section shall be inserted, namely:—
Personal protective equipment.	<p>“35A. (1) The occupier, having regard to the nature of the hazards involved in the work and processes being carried out, shall supply to the workers exposed to such hazards, suitable personal protective equipment and protective clothing as may be necessary.</p> <p>(2) The personal protective equipment and protective clothing supplied to the workers as required under sub-section (1) shall conform to an international standard where national standard for such protective equipment or clothing is not available.</p> <p>(3) The occupier shall maintain all items of personal protective equipment and protective clothing referred to in sub-section (1) in a clean and hygienic condition and in good repair.</p>

(4) The Central Government or the State Government may make rules prescribing the standards of maintenance, issue of personal protective equipment and protective clothing with a view to ensure their effectiveness in relation to the conditions of use and conformity to their quality standards.”.

21. For section 36 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 36.
Entry into confined spaces.

‘36. (1) No person shall be required or allowed to enter any chamber, tank, vat, pit, pipe, flue or other confined space in any factory in which any gas, fume, vapour or dust is likely to be present to such an extent as to involve risk to persons being overcome thereby, unless it is provided with a manhole of adequate size or other effective means of egress or wherein the oxygen content is less than the prescribed content of oxygen.

Explanation.— For the purpose of this sub-section, the expression “adequate size” means,—

(a) in the case of a rectangular shape manhole, of not less than 50 cms. x 30 cms.;

(b) in the case of an oval shape manhole, of not less than 50 cms. major axis and 30 cms minor axis;

(c) in the case of a circular shape manhole, of not less than 50 cms. diameter.

(2) No person shall be required or allowed to enter in any boiler furnace, boiler flue, chamber, tank, vat, pipe or other confined space in any factory for the purpose of working or making any examination therein until—

(a) it has been sufficiently cooled, by ventilation or otherwise, and is safe for persons to enter; and

(b) wherever there is likelihood of deficiency of oxygen,—

(i) a certificate in writing has been given by a competent person, based on test carried out by himself, that the space is not deficient in oxygen so as to be unsafe for persons to enter; or

(ii) the worker is wearing suitable breathing apparatus and a safety harness for confined spaces securely attached to a rope is available of which the free end is held by a person standing outside the confined space.

(3) No person with any disability, or, any pregnant woman, shall be required or allowed to enter in any chamber, tank, vat, pit, pipe, flue or other confined space in any factory as referred to in sub-section (1) and in any boiler furnace, boiler flue, chamber, tank, vat, pipe or other confined space in any factory as referred to in sub-section (2).

(4) The suitable breathing apparatus, reviving apparatus and safety harness and ropes, shall be kept for instant use in every factory and in every such confined space as referred to in sub-section (1) or in clause (b) of sub-section (2), which any person may enter, and all such apparatus shall be periodically examined and certified by a competent person to be fit for use; and a sufficient number of persons employed in every factory shall be trained and practiced in the use of all such apparatus and in the method of restoring respiration.

(5) The State Government may, by order in writing, exempt, subject to such conditions as it may think fit to impose, any factory or class or description of factories from compliance with any of the provisions of this section.’.

22. In section 37 of the principal Act,—

Amendment of section 37.

(a) in sub-section (1),—

(i) for the portion beginning with the words “any manufacturing process produces” and ending with the words “any such explosion by—”, the following shall be substituted, namely:—

“any manufacturing process, storage or handling of, raw material, intermediate product or finished product produces dust, gas, fumes or vapour to such an extent as to be likely to result in fire or explosion on

ignition or otherwise, all practicable measures shall be taken to prevent any such fire or explosion by—”;

(ii) after clause (c), the following clause shall be inserted, namely:—

“(d) explosive gas measurement by suitable and calibrated instrument, at such intervals as may be prescribed”;

(b) after sub-section (4), the following sub-sections shall be inserted, namely:—

“(4A) In any factory if any flammable gas, fume or dust is likely to be present in any area, the electrical equipment, apparatus and fittings in that area shall be selected, installed and maintained as per the National Electrical Code and shall conform to the relevant National Standards, or to an International Standard where National Standard is not available.

(4B) The electrical equipment, apparatus and fittings referred to in sub-section (4A), shall be duly approved before use in factories by the Directorate General of Occupational Safety and Health.”.

Amendment of section 38. **23.** In section 38, in sub-section (3), for the words “The State Government”, the words “The Central Government or the State Government” shall be substituted.

Amendment of section 40B. **24.** In section 40B of the principal Act, for the words “the State Government”, wherever they occur, the words “the Central Government or the State Government” shall be substituted.

Amendment of section 41A. **25.** In section 41A of the principal Act, for the words “State Government”, wherever they occur, the words “on Central Government or the State Government” shall be substituted.

Amendment of section 41B. **26.** In section 41B of the principal Act,—

(i) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) (a) The occupier of a factory involved in the manufacture, storage or handling such hazardous substances in quantities equal to or more than such quantities as may be prescribed, shall draw up in consultation with workers' representatives an on-site emergency plan and detailed disaster control measures for his factory and submit the same for information of the Chief Inspector and other authorities as may be prescribed.

(b) The occupier of the factory shall make known to the workers employed in the factory and to the general public in the vicinity of the factory, the safety measures required to be taken in accordance with the on-site emergency plan and detailed disaster control measures drawn under sub-clause (a) above in the event of an accident taking place:

Provided that the Central Government or the State Government or the Chief Inspector may, subject to the prior approval of the Central Government or the State Government, by order in writing, require any factory carrying on hazardous process, irrespective of the quantity of hazardous substances in the premises, to draw up an on-site emergency plan and disaster control measures.”;

(ii) in sub-section (5),—

(a) in clause (a), for the words “factory engaged”, the words “factory is engaged” shall be substituted;

(b) in clause (b), before the words “within a period of”, the words “at least” shall be inserted.

Amendment of section 41C. **27.** In section 41C of the principal Act, in clause (a), for the words “chemical, toxic or any other harmful substances”, the words “hazardous substances” shall be substituted.

Amendment of section 41D. **28.** In section 41D of the principal Act, in sub-section (1), for the words “prevention and recurrence”, the words “prevention of recurrence” shall be substituted.

- 29.** In section 41E of the principal Act, in sub-section (1), for the words “Director-General of Factory Advice Service and Labour Institutes”, the words “Directorate-General of Occupational Safety and Health” shall be substituted. Amendment of section 41E.
- 30.** In section 41F of the principal Act, in sub-section (1), for the words and brackets “threshold limits of exposure of chemical and toxic substances in manufacturing processes (whether hazardous or otherwise)”, the words “limits of exposure of chemical and toxic substances in manufacturing process” shall be substituted. Amendment of section 41F.
- 31.** In section 41G of the principal Act, in sub-section (1), for the words “the State Government”, the words “the Central Government or the State Government” shall be substituted. Amendment of section 41G.
- 32.** After section 41H of the principal Act, the following section shall be inserted, namely:— Insertion of new section 41-I.
- “41-I. The Central Government or the State Government may make rules — Power to make rules regarding hazardous process.
- (a) specifying standards of health and safety to be followed in hazardous process;
- (b) prohibiting or restricting employment of young persons, pregnant women, and any class of adult workers in manufacture, storage or handling involving hazardous process;
- (c) prohibiting, restricting or controlling the use of hazardous substances.”.
- 33.** In section 45 of the principal Act, in sub-section (3), for the words “the State Government”, the words “the Central Government or the State Government” shall be substituted. Amendment of section 45.
- 34.** For section 46 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 46.
- “46. (1) In every factory wherein two hundred or more workers are ordinarily employed, there shall be provided and maintained a canteen or canteens by the occupier for the use of the workers. Canteens.
- (2) The State Government may prescribe—
- (a) the standards in respect of construction, location, accommodation, furniture, cleanliness and other equipment of the canteen;
- (b) the foodstuffs to be served therein and the charges which may be made therefor;
- (c) the constitution of managing committee for the canteen and representation of the workers in the management of the canteen;
- (d) the items of expenditure in the running of the canteen which are not to be taken into account in fixing the cost of foodstuffs and the expenditure of the items shall be borne by the occupier;
- (e) the periodical medical examination of canteen employees; and
- (f) the delegation to the Chief Inspector, subject to such conditions, as may be prescribed, of the power to make rules under clause (b).
- (3) The Chief Inspector may, subject to such conditions as may be specified by him, after recording the reasons in writing, relax the requirement of sub-section (1) for a period not exceeding twelve months for existing factories to provide the facility of canteen.”.
- 35.** In section 47 of the principal Act,— Amendment of section 47.
- (a) in sub-section (1),—
- (i) for the words “one hundred and fifty”, the word “seventy-five” shall be substituted;
- (ii) for the words “suitable shelters or rest rooms”, the words “suitable and separate shelters or rest rooms for male and female workers” shall be substituted;

(iii) in the first proviso, for the words “as part of the requirements”, the words “as part of requirements relating to the lunch room” shall be substituted;
 (b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) The Chief Inspector may, subject to such conditions as may be specified by him, after recording the reasons, relax the requirement of sub-section (1), for a period not exceeding twelve months for existing factories to provide the facility of shelters, rest rooms and lunch rooms.”.

Amendment of
section 56.

36. In section 56 of the principal Act, for the proviso, the following proviso shall be substituted, namely:—

“Provided that where the State Government is satisfied, it may, by notification in the Official Gazette, increase the period of spreadover upto twelve hours in a factory or group or class or description of factories.”.

Amendment of
section 59.

37. In section 59 of the principal Act, after sub-section (5), the following *Explanation* shall be inserted, namely:—

‘*Explanation.*—For the purposes of this section, the term “such allowances” means all allowances except those of complimentary in nature such as house rent allowance, transport and small family allowance.’.

Amendment of
section 64.

38. In section 64 of the principal Act,—

(a) in sub-section (4), in clause (iv), for the word “fifty”, the words “one hundred” shall be substituted;

(b) in sub-section (5), for the words “Rules made”, the words, brackets and figures “Rules made before the commencement of the Factories (Amendment) Act, 2014” shall be substituted.

Amendment of
section 65.

39. In section 65 of the principal Act, in sub-section (3),—

(a) in clause (iv) for the word “seventy-five”, the words “one hundred and fifteen” shall be substituted;

(b) after clause (iv) but before the *Explanation*, the following proviso shall be inserted, namely:—

“Provided that the State Government or the Chief Inspector may, subject to the prior approval of the State Government, by order further enhance the total number of hours of overtime work in any quarter to one hundred and twenty-five in the public interest.”.

Substitution of
new section for
section 66.

40. For section 66 of the principal Act, the following section shall be substituted, namely:—

“66. The provisions of this Chapter shall, in their application to women in factories, be supplemented by the following further restrictions, namely:—

(a) no exemption from the provisions of section 54 may be granted in respect of any woman;

(b) there shall be no change of shifts except after a weekly holiday or any other holiday; and

(c) no woman shall be required or allowed to work in any factory except between the hours of 6 A.M. and 7 P.M.:

Provided that where the State Government or any person, authorised by it in this behalf, is satisfied that adequate safeguards exist in a factory as regards occupational safety and health, provision of shelter, rest rooms, lunch rooms, night crèches and ladies’ toilets, equal opportunity for women workers, adequate protection of their dignity, honour and safety, protection from sexual harassment, and their transportation from the factory premises to the door step of their residence, it may, by notification in the Official Gazette, after due consultation with, and obtaining the consent of, the women workers, the employer, representative organisation of the employer and representative organisation of

Further
restrictions on
employment
of women.

workers of the concerned factory or group or class or description of factories, allow women to work between 7.00 p.m. and 6.00 a.m. in such factory or group or class or description of factories, subject to such conditions as may be specified therein:

Provided further that no such permission shall be granted to a woman worker during a period of sixteen weeks before and after her childbirth, of which at least eight weeks shall be before the expected childbirth, and for such additional period, if any, as specified in the medical certificate stating that it is necessary for the health of the woman worker or her child:

Provided also that the restriction contained in the preceding proviso may be relaxed at the express request of a woman worker on the basis of the medical certificate stating that neither her health nor that of her child will be endangered.”.

41. In section 76 of the principal Act, clause (b) shall be omitted.

Amendment of section 76.

26 of 1938.
61 of 1986.

42. In section 77 of the principal Act, for the words and figures “the Employment of Children Act, 1938”, the words, brackets and figures “the Child Labour (Prohibition and Regulation) Act, 1986” shall be substituted.

Amendment of section 77.

43. In section 79 of the principal Act,—

Amendment of section 79.

(a) in sub-section (1),—

(i) in the opening portion, for the figures and word “240 days”, the figures and word “90 days” shall be substituted;

(ii) in *Explanation* 1, for the figures and word “240 days”, the figures and word “90 days” shall be substituted;

(b) in sub-section (2), for the word “two-thirds”, the word “one-fourth” shall be substituted.

44. In section 87 of the principal Act,—

Amendment of section 87.

(a) in the opening portion, for the words “the State Government”, the words “the Central Government or the State Government” shall be substituted;

(b) in clause (b), for the words “women, adolescents or children”, the words “young persons or women or persons with disabilities” shall be substituted.

45. In section 88 of the principal Act, in sub-section (3), for the words “The State Government”, the words “The Central Government or the State Government” shall be substituted.

Amendment of section 88.

46. In section 89 of the principal Act, sub-section (4) shall be omitted.

Amendment of section 89.

47. In section 90 of the principal Act, for the words “State Government”, wherever they occur, the words “Central Government or the State Government” shall be substituted.

Amendment of section 90.

48. In section 91A of the principal Act, in sub-section (1), for the words “Director-General of Factory Advice Service and Labour Institutes”, the words “Director-General of Occupational Safety and Health” shall be substituted.

Amendment of section 91A.

49. For section 92 of the principal Act, the following sections shall be substituted, namely:—

Substitution of new sections for section 92.

“92. (1) Save as otherwise expressly provided in this Act and subject to the provisions of section 93, if in, or in respect of, any factory there is any contravention of the provisions of Chapters I, III (except sections 11, 18, 19 and 20), IV, IVA (except sections 41B, 41C and 41H), VII and IX (except section 89) of this Act or of any rules made thereunder or any order in writing given thereunder, the occupier and the manager of the factory shall each be guilty of an offence and punishable with imprisonment for

General penalty for offences.

a term which may extend to two years or with fine which may extend to three lakh rupees or with both, and in any case it shall not be less than thirty thousand rupees:

Provided that where the contravention of any of the provisions of the Chapters referred to in sub-section (1) or rules made thereunder has resulted in an accident causing death or serious bodily injury, the fine shall not be less than seventy-five thousand rupees.

(2) If the contravention is continued after conviction under sub-section (1), then the occupier and manager of the factory shall each be guilty of an offence and punishable with a further fine which shall not be less than two thousand rupees for each day on which the contravention is so continued.

(3) In respect of any contravention of any of the provisions of this Act or of any rules made thereunder or any order in writing given thereunder other than those mentioned under sub-section (1), for which no penalty has been provided the occupier and manager of the factory shall each be guilty of an offence and punishable with fine which may extend to one lakh fifty thousand rupees and if the contravention is continued after conviction, with a further fine which shall not be less than one thousand rupees for each day on which the contravention is so continued.

Explanation.—For the purposes of this section, “serious bodily injury” means an injury which involves, or in all probability will involve, the permanent loss of the use of, or permanent injury to, any limb or the permanent loss of, or injury to, sight or hearing, or the fracture of any bone, but shall not include the fracture of bone or joint (not being fracture of more than one bone or joint) of any phalanges of the hand or foot.

Penalties for offences by persons other than occupier.

92A. If any person, who designs, manufactures, imports or supplies any article or substance for use in a factory and contravenes any of the provisions of section 7B, he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to three lakh rupees or with both.

Penalties in certain other cases.

92B. (1) If any competent person appointed under clause (ca) of section 2 fails to comply with any of the provisions of Act or the rules made thereunder, he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to three thousand rupees or with both.

(2) If any worker employed in a factory spits in contravention of sub-section (3) of section 20, he shall be punishable with fine not exceeding one hundred rupees.

(3) If any medical practitioner fails to comply with the provisions of sub-section (2) of section 89, he shall be punishable with fine which may extend to three thousand rupees.

(4) If any worker employed in a factory contravenes the provisions of sub-section (1) of section 97 or section 111 or of any rule or order made thereunder, he shall be punishable with fine which may extend to one thousand five hundred rupees.

Compounding of certain offences.

92C. (1) The Central Government or the State Government may, by notification in the Official Gazette, prescribe in respect of the offences specified in the Fourth Schedule, which may before the institution of the prosecution, be compounded by such officers or authorities and for such amount as prescribed:

Provided that the Central Government or the State Government, as the case may be, may, by notification in the Official Gazette, amend the Fourth Schedule by way of addition, omission or variation of any offence specified in the said Schedule.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence.

(3) Nothing contained in sub-section (1) shall apply to offence committed within a period of three years from the date on which a similar offence committed was compounded under sub-section (1).”.

50. For section 93 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 93.

'93. (1) Where in any premises separate buildings are leased to different occupiers for use as separate factories, the owner of the premises shall be responsible for provision and maintenance of—

Liability of owner of premises in certain circumstances.

(i) common facilities and services such as approach roads, drainage, water supply, lighting and sanitation;

(ii) adequate staircases;

(iii) precaution in case of fire;

(iv) ensuring structural stability;

(v) hoists and lifts; and

(vi) any other common facilities.

(2) Where in any premises, independent or self-contained, floors or flats, compartments, rooms, galas, sheds are used as separate factories, the owner of the premises shall be responsible for the provision and maintenance of—

(i) latrines, urinals and washing facilities;

(ii) safety of machinery and plant installed in the common place or location of an occupier;

(iii) safe means of access to floors or flats, compartments, rooms, galas, sheds and maintenance and cleanliness of staircases and common passages;

(iv) precautions in case of fire;

(v) hoists and lifts;

(vi) prohibition of the common passages, balconies, verandas, access space, staircases and such other common spaces for use of any activity not intended in such spaces;

(vii) ensuring structural stability; and

(viii) any other common facilities provided in the premises.

(3) The owner of premises shall be responsible for provision, maintenance or arrangement for any other facility which may be required but not specified in sub-sections (1) and (2) above.

(4) The Chief Inspector shall have, subject to the control of the State Government, the power to issue orders to the owner of the premises referred to in sub-sections (1) and (2) in respect of the carrying out of the provisions of canteens, shelter, rest rooms and creches.

(5) In respect of sub-section (3) while computing for the purposes of any of the provisions of this Act, the total number of workers employed in the whole of the premises shall be deemed to be in a single factory.

(6) The owner of the premises shall be liable for any contravention of any of the provisions of this section, as if he were the occupier or manager of a factory, and shall be punishable in accordance with the provisions of section 92.

Explanation.—For the purposes of this section, “owner” shall include promoter, co-operative society, trust, receiver, special officer, as the case may be.’.

Amendment
of section 94.

51. In section 94 of the principal Act,—

(a) in sub-section (1),—

(i) for the words “ten thousand rupees but which may extend to two lakh rupees”, the words “forty thousand rupees but which may extend to six lakh rupees” shall be substituted;

(ii) in the first proviso, for the words “ten thousand rupees”, the words “forty thousand rupees” shall be substituted;

(iii) for the second proviso, the following proviso shall be substituted, namely:—

“Provided further that where contravention of any of the provisions of Chapters mentioned in sub-section (1) of section 92 or of any rules made thereunder has resulted in an accident causing death or serious bodily injury, the fine shall not be less than one lakh rupees.”.

(b) after sub-section (1), as so amended, the following sub-section shall be inserted, namely:—

“(1A) If any person who has been convicted of any offence punishable under section 92A is again guilty of an offence involving a contravention of the same provision, he shall be punishable on a subsequent conviction,—

(i) in case of contravention of sub-section (1) of section 92A, with imprisonment for a term which may extend to one year or with fine which shall not be less than forty thousand rupees but which may extend to five lakh rupees or with both; and

(ii) in case of contravention of sub-section (2) of section 92A, with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.”;

(c) in sub-section (2), after the word, brackets and figure “sub-section (1)”, the words, brackets, figure and letter “and sub-section (1A)” shall be inserted.

Amendment
of section 95.

52. In section 95 of the principal Act, for the portion beginning with the words “being examined by, an Inspector” and ending with the words “ten thousand rupees or with both”, the following shall be substituted, namely:—

“being examined by, an Inspector or does not provide reasonable and necessary assistance or co-operation to an Inspector in reaching the concern spot, branch, section, department in a factory, or conceals any fact or figures required for effective implementation of the provisions of the Act, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to thirty thousand rupees or with both.”.

Amendment
of section 96.

53. In section 96 of the principal Act, for the words “ten thousand rupees”, the words “thirty thousand rupees” shall be substituted.

Amendment
of section
96A.

54. In section 96A of the principal Act,—

(a) for the words “two lakh rupees”, the words “six lakh rupees” shall be substituted;

(b) for the words “five thousand rupees”, the words “fifteen thousand rupees” shall be substituted.

Amendment
of section 97.

55. In section 97 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Subject to the provisions of section 111, no worker employed in a factory shall contravene any provisions of this Act or of any rule or order made thereunder, imposing any duty or liability on the workers.”.

- 56.** In section 98 of the principal Act, for the words “one thousand rupees”, the words “three thousand rupees” shall be substituted. Amendment of section 98.
- 57.** In section 99 of the principal Act, for the words “one thousand rupees”, the words “three thousand rupees” shall be substituted. Amendment of section 99.
- 58.** In section 102 of the principal Act, in sub-section (2), for the words “one hundred rupees”, the words “three hundred rupees” shall be substituted. Amendment of section 102.
- 59.** In section 104 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:— Amendment of section 104.
- “(2) A declaration in writing by a certifying surgeon or any other medical authority notified in this behalf by the State Government under sub-section (2) of section 16 of the Child Labour (Prohibition and Regulation) Act, 1986 relating to a worker stating therein that he has personally examined such worker to be under or over the age stated as such in the declaration shall, for the purposes of this Act and rules made thereunder, be conclusive evidence as to the age of that worker.”.
- 60.** In section 111 of the principal Act, sub-section (2) shall be omitted. Amendment of section 111.
- 61.** In section 112 of the principal Act, for the words “The State Government may make rules”, the words, figures and letter “Subject to the provisions contained in section 112A, the State Government may make rules” shall be substituted. Amendment of section 112.
- 62.** After section 112 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 112A.
- “112A. (1) The Central Government may, by notification and in consultation with the State Governments, frame rules with a view to bring uniformity in the areas of occupational safety, health or such other matter as it may consider necessary. Power to make rules by Central Government.
- (2) Every rule made by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.
- 63.** The First Schedule to the principal Act shall be omitted. Omission of First Schedule.
- 64.** After Third Schedule to the principal Act, the following Schedule shall be inserted, namely:— Insertion of Fourth Schedule.

“THE FOURTH SCHEDULE
(See section 92C)

LIST OF COMPOUNDABLE OFFENCES

Serial Number	Section and rules framed thereunder and orders issued thereunder	Nature of Offence
1.	Section 11 – Cleanliness	Not maintaining cleanliness as per the provisions.
2.	Section 18 – Drinking Water	Not providing and maintaining arrangements for drinking water as per the provisions.
3.	Section 19 – Latrines and Urinals	Not providing latrine and urinal accommodation as per the provisions.

Serial Number	Section and rules framed thereunder and orders issued thereunder	Nature of Offence
4.	Section 20 — Spittoons	(a) Not providing the spittoons as per the provisions; (b) Spitting in contravention of sub-section (3) of section 20.
5.	Section 42 - Washing Facilities	Not providing and maintaining washing facilities as per the provisions.
6.	Section 43 – Facilities for storing and drying of wet clothing	Not providing facilities as per the provisions.
7.	Section 44 – Facilities for sitting	Not providing facilities as per the provisions.
8.	Sub-sections (1), (2) and (3) of section 45 – First-aid appliances	Not providing and maintaining first-aid appliances as per the provisions.
9.	Section 46 – Canteens	Not providing and maintaining canteen as per the provisions.
10.	Section 47 – Shelters, rest rooms and lunch rooms	Not providing and maintaining shelters, rest rooms and lunch rooms as per the provisions.
11.	Section 48 — Creches	Not providing and maintaining creches as per the provisions.
12.	Section 50 – Power to make rules to supplement Chapter V	Not complying with the rules framed under section 50.
13.	Sub-section (2) of section 53 – Compensatory Holidays	Not displaying the notice and not maintain the register for compensatory holiday.
14.	Sub-section (5) of section 59 – Extra wages for overtime	Not maintaining the prescribed registers.
15.	Section 60 – Restriction on double employment	Allowing a worker double employment on any day.
16.	Section 61 – Notice of periods of work for adults	Not complying with the provisions.
17.	Section 62 – Register of adult workers	Not maintaining register as per the provisions.
18.	Section 63 – Hours of work to correspond with notice	Not complying with the provisions.
19.	Section 64 – Power to make exempting rules	Not complying with the rules framed under section 64.
20.	Section 65 – Power to make exempting orders	Not complying with the orders issued under section 65.
21.	Section 79 – Annual leave with wages	Not complying with the provisions.
22.	Section 80 – Wages during leave period	Not complying with the provisions.
23.	Section 81 – Payment in advance in certain cases	Not complying with the provisions.
24.	Section 82 – Mode of recovery of unpaid wages	Not complying with the provisions.
25.	Section 83 – Power to make rules	Not maintaining registers as per rules and not complying with the provisions.
26.	Section 84 – Power to exempt factories	Not complying with the conditions specified in the exempting order.
27.	Section 93 – Liability of owner of premises in certain circumstances	Not complying with the provisions contained in sub-section (1) and clauses (i) and (vi) of sub-section (3).
28.	Section 97 – Offences by workers	Not complying with the provisions.
29.	Section 108 – Display of notices	Not complying with the provisions.

Serial Number	Section and rules framed thereunder and orders issued thereunder	Nature of Offence
30.	Section 110 – Returns	Not complying with the provisions.
31.	Section 111A – Right of workers, etc.	Denial of rights of workers.
32.	Section 114 – No charge for facilities and conveniences	Demanding charge from worker for providing any facility under the Act.”.

STATEMENT OF OBJECTS AND REASONS

The Factories Act was enacted in 1948. Its main object is to ensure adequate safety measures and to promote the health and welfare of the workers employed in factories. The Act has been amended in the years 1949, 1950, 1951, 1954, 1970 and 1976. The last amendment to the Factories Act, 1948 was made in the year 1987 as the Factories (Amendment) Act, 1987, wherein a separate Chapter was inserted relating to hazardous process.

2. There have been several developments over the last twenty years ever since the last amendment was made. These developments include changes in the manufacturing practices and emergence of new technologies, ratification of ILO Conventions, Judicial decisions, recommendations of the Committees and decisions taken in the Conferences of Chief Inspectors of Factories.

3. In view of the above developments and suggestions from various Ministries of the Central Government, employers and trade union representatives, it has been decided to amend the Factories Act, 1948 by an amendment Bill, namely, the Factories (Amendment) Bill, 2014.

4. The Factories (Amendment) Bill, 2014, *inter alia*, provides the following, namely:—

(a) to amend section 18 of the Act so as to extend the provisions relating to drinking water to all factories irrespective of number of workers;

(b) to amend section 22 of the Act so as to prohibit the pregnant woman or a person with disability to work on or near machinery in motion;

(c) to substitute a new section for existing section 27 relating to “prohibition of employment of women and children near cotton openers” so as to prohibit employment of young persons, pregnant woman and persons with disabilities in any part of a factory for pressing cotton in which a cotton-opener is at work;

(d) to insert a new section 35A so as to impose obligation upon the occupier to make a provision of “personal protective equipment” for workers exposed to various hazards;

(e) to substitute a new section for existing section 36 of the Act relating to “precautions against dangerous fumes, gases, etc.” to provide adequate facilities to the persons who are liable to enter into confined spaces;

(f) to amend section 37 of the Act relating to “explosive or inflammable dust, gas, etc.”, so as to take practical measures against explosion or inflammable dust, gas, etc.;

(g) to amend section 41B of the Act relating to “compulsory disclosure of information by the occupier” to provide for preparation of emergency plan and disaster control measures in consultation with the workers;

(h) to amend section 46 of the Act relating to “canteens” to provide canteen facilities in respect of factories employing two hundred or more workers instead of the present stipulation of two hundred and fifty workers;

(i) to amend section 47 of the Act relating to “shelters, rest rooms and lunch rooms” so as to provide for shelters or rest rooms and lunch rooms in respect of factories employing seventy-five or more workers instead of present stipulation of one hundred and fifty workers;

(j) to substitute a new section for section 66 of the Act providing further restrictions on employment of women;

(k) to insert a new section 112A so as to empower the Central Government to make rules in consultation with the State Governments, with a view to bring uniformity in the areas of occupational safety, health or such other matters as the Central Government may consider necessary; and

(l) to insert the Fourth Schedule providing the list of compoundable offences.

5. The Bill seeks to achieve the above objects.

NEW DELHI;
The 5th August, 2014.

NARENDRA SINGH TOMAR.

Notes on clauses

Clause 1 of the Bill provides for the short title and commencement. A provision has been made empowering the Central Government to appoint date of commencement of the proposed legislation and different dates for different provisions of the proposed legislation.

Clause 2 of the Bill seeks to amend section 2 of the Factories Act, 1948 relating to definitions of “hazardous process”, “hazardous substance”, “factory” and “prescribed”.

Clause 3 of the Bill seeks to amend section 6 of the Act, relating to approval, licensing and registration of factories.

Under the existing provisions contained in the *Explanation* to the said section, a factory shall not be deemed to be extended within the meaning of this section by reason only of the replacement of any plant or machinery, or within such limits as may be prescribed, of the addition of any plant or machinery, if such replacement or addition does not reduce the minimum clear space required for safe working around the plant or machinery or adversely affect the environmental conditions from the evolution or emission of steam, heat or dust or fumes injurious to health.

It is proposed to substitute the *Explanation* to said section so as to provide that a factory shall not be deemed to be extended within the meaning of this section by reason only of the replacement of any plant or machinery or within such limits as may be prescribed, or the addition of any plant or machinery, if such replacement or addition does not reduce the minimum clear space required for safe working around the plant or machinery or result in hazardous conditions likely to cause accident, dangerous occurrences or injuries to health of workers or public or adversely affect the environmental conditions from the evolution or emission of steam, heat or dust or fumes, or chemical or biological wastes injurious to health and a certificate in writing shall be given by a competent person to this effect. Provided that till such certificate is given by the competent person, a certificate given in writing by the occupier shall be valid.

Clause 4 of the Bill seeks to amend section 7 of the Act relating to Notice by occupier.

Under the existing provisions contained in clause (e) of sub-section (1) of said section, the total rated horse-power installed or to be installed in the factory, which shall not include the rated horse-power of any separate stand-by plant.

It is proposed to substitute the words “horse-power” in clause (e) of sub-section (1) of said section by the words “power in Kilowatts” in order to convert the unit from British to Metric system.

Clause 5 of the Bill seeks to amend section 7B of the Act relating to the general duties of manufacturers, etc., as regards articles and substances for use in factories.

Under the existing provisions contained in sub-section (5) of said section, where a person designs, manufactures, imports or supplies an article on the basis of a written undertaking by the user of such article to take the steps specified in such undertaking to ensure, so far as is reasonably practicable, that the article will be safe and without risks to the health of the workers when properly used, the undertaking shall have the effect of relieving the person designing, manufacturing, importing or supplying the article from the duty imposed by clause (a) of sub-section (1) to such extent as is reasonable having regard to the terms of the undertaking.

It is proposed to substitute sub-section (5) of said section so as to impose responsibility upon a person,— (a) who erects or installs any article for use in a factory, to ensure, so far as practicable, that such article so erected or installed does not make it unsafe or a risk to health when that article is used by the persons in such factory; (b) who manufactures, imports or

supplies any substance for use in any factory—(i) to ensure, so far as practicable that such substance is safe and has no risks involved to health of persons working in such factory; (ii) to carry out or arrange for carrying out of such tests and examination in relation to such substance as may be necessary; (iii) to take such steps as are necessary to secure that the information about the results of tests carried out in connection with the use of the substance as referred to in sub-clause (ii) is available in a factory along with conditions necessary to ensure its safe use and no risks to health; (c) who undertakes the manufacture of any substance for use in any factory to carry out or arrange for the carrying out of any necessary research with a view to discover and, so far as practicable, to ensure the elimination or minimization of any risks to health or safety to which the substance may give rise out of such manufacture or research. It is also proposed to substitute sub-section (6) and the *Explanation* to said section in the light of addition of the word “substance”.

Clause 6 of the Bill seeks to amend section 13 of the Act relating to the provision of ventilation and temperature.

Under the existing provisions contained in section (2) of the said section, the State Government may prescribe a standard of adequate ventilation and reasonable temperature for any factory or class or description of factories or parts thereof and direct that proper measuring instruments, at such places and in such position as may be specified, shall be provided and such records, as may be prescribed, shall be maintained.

It is proposed to amend sub-section (2) of said section so as to substitute the words “the State Government” by the words “the Central Government or the State Government”. The proposed amendment is consequential in nature.

Clause 7 of the Bill seeks to amend section 17 of the Act relating to the provision of lighting.

Under the existing provisions contained in sub-section (4) of said section, the State Government may prescribe, standards of sufficient and suitable lighting for factories or for any class or description of factories or for any manufacturing process.

It is proposed to amend sub-section (4) of said section so as to substitute the words “the State Government” by the words “the Central Government or the State Government”. The proposed amendment is consequential in nature.

Clause 8 of the Bill seeks to amend section 18 of the Act relating to the provision of drinking water.

Under the existing provisions contained in sub-section (3) of said section, in every factory wherein more than two hundred and fifty workers are ordinarily employed provision shall be made for cool drinking water during hot weather by effective means and for distribution thereof.

It is proposed to amend sub-section (3) of the said section so as to omit the words, “wherein more than two hundred and fifty workers are ordinarily employed”. By the omission of the said words the responsibility lies upon each and every factory, to provide the facilities of cool drinking water during hot weather by effective means, irrespective of strength of workers.

Clause 9 of the Bill seeks to amend section 20 of the Act relating to the provision of spittoons.

Under the existing provisions contained in sub-section (4) of said section whoever spits in contravention of sub-section (3) shall be punishable with fine not exceeding five rupees. It is proposed to amend section 20 of the Act so as to omit sub-section (4) of the said section. The said proposal is consequential due to insertion of a new section 92B namely “Penalty in certain other cases”.

Clause 10 of the Bill seeks to amend section 21 of the Act relating to the provision of fencing of machinery.

Under the existing provisions contained in sub-section (2) of said section the State Government may by rules prescribe such further precautions as it may consider necessary in respect of any particular machinery or part thereof, or exempt, subject to such condition as may be prescribed, for securing the safety of the workers, any particular machinery or part thereof from the provisions of this section.

It is proposed to amend sub-section (2) of said section so as to substitute the words “the State Government” by the words “the Central Government or the State Government”. The proposed amendment is consequential in nature.

Clause 11 of the Bill seeks to amend section 22 of the Act relating to the provision of work on or near machinery in motion.

Under the existing provisions contained in sub-section (2) of said section, no woman or a young person shall be allowed to clean, lubricate or adjust any part of a prime mover or of any transmission machinery while the prime mover or transmission machinery is in motion, or to clean, lubricate or adjust any part of any machine if the cleaning, lubrication or adjustment thereof would expose the woman or young person to risk of injury from any moving part either of that machine or of any adjacent machinery.

It is proposed to amend sub-section (1) of section 22 so as to provide that the words and brackets “adult male worker wearing tight fitting clothing (which shall be supplied by the occupier)” shall be replaced as “adult male worker wearing tight fitting clothing or adult female worker wearing tight fitting clothing (which shall be supplied by the occupier) covering loose hair”.

It is also proposed to amend sub-section (2) of said section so as to prohibit the pregnant woman or a person with disability instead of “women”.

It is also proposed to amend sub-section (3) of said section, so as to substitute the words “the State Government” by the words “the Central Government or the State Government”, which is consequential in nature.

Clause 12 of the Bill seeks to amend section 23 of the Act relating to employment of young persons on dangerous machines.

Under the existing provisions contained in sub-section (2) of said section, the provisions contained in sub-section (1) shall apply to such machines as may be prescribed by the State Government, being machines which in its opinion are of such a dangerous character that young persons ought not to work at them unless the foregoing requirements are complied with.

It is proposed to amend sub-section (2) of said section so as to substitute the words “the State Government” by the words “the Central Government or the State Government”. The proposed amendment is consequential in nature.

Clause 13 of the Bill seeks to amend section 26 of the Act relating to casing of new machinery.

It is proposed to omit section 26 of the said Act, since it is proposed to amend sub-section (5) of section 7B making the manufacturers, suppliers of articles including machinery responsible for manufacturing supplying safe machinery to be used in factory.

Clause 14 of the Bill seeks to amend section 27 of the Act relating to Prohibition of employment of women and children near cotton-openers.

Under the existing provisions contained in the said section, no woman or child shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work. The proviso to the said section says that, if the feed-end of a cotton-opener is in a room separated from the delivery end by a partition extending to the roof or to such height as the Inspector may in any particular case specify in writing, women and children may be employed on the side of the partition where the feed-end is situated.

It is proposed to amend said section so as to prohibit the employment of young persons or pregnant woman or persons with disability instead of women.

Clause 15 of the Bill seeks to amend section 28 of the Act relating to hoists and lifts.

Under the existing provisions contained in sub-section (4) of said section, the State Government may, if in respect of any class or description of hoist or lift, it is of opinion that it would be unreasonable to enforce any requirement of sub-sections (1) and (2), by order direct that such requirement shall not apply to such class or description of hoist or lift.

It is proposed to amend sub-section (4) of said section so as to substitute the words “the State Government” by the words “the Central Government or the State Government”. The proposed amendment is consequential in nature.

Clause 16 of the Bill seeks to amend section 29 of the Act relating to lifting machines, chains, ropes and lifting tackles.

Under the existing provisions contained in sub-section (2) of said section the State Government may make rules in respect of any lifting machine or any chain, rope or lifting tackle used in factories— (a) prescribing further requirements to be complied with in addition to those set out in this section; (b) providing for exemption from compliance with all or any of the requirements of this section, where in its opinion, such compliance is unnecessary or impracticable.

It is proposed to amend sub-section (2) of said section so as to substitute the words “the State Government” by the words “the Central Government or the State Government”. The proposed amendment is consequential in nature.

Clause 17 of the Bill seeks to amend section 31 of the Act relating to pressure plant.

Under the existing provisions contained in sub-section (2) of the Act the State Government may make rules providing for the examination and testing of any plant or machinery such as is referred to in sub-section (1) and prescribing such other safety measures in relation thereto as may in its opinion be necessary in any factory or class or description of factories. Sub-section (3) of the said section provides that the State Government may, by rules, exempt, subject to such conditions as may be specified therein, any part of any plant or machinery referred to in sub-section (1) from the provisions of this section.

It is proposed to amend sub-sections (2) and (3) of the said section so as to substitute the words “the State Government” by the words “the Central Government or the State Government”. The proposed amendment is consequential in nature.

Clause 18 of the Bill seeks to amend section 34 of the Act relating to Excessive Weights.

Under the existing provisions contained in the sub-section (2) of said section, the State Government may make rules prescribing the maximum weights which may be lifted, carried or moved by adult men, adult women, adolescents and children employed in factories or in any class or description of factories or in carrying on any specified process.

It is proposed to amend sub-section (2) of the said section so as to substitute the words “the State Government” by the words “the Central Government or the State Government”. The proposed amendment is consequential in nature.

Clause 19 of the Bill seeks to amend section 35 of the Act relating to Protection of eyes.

Under the existing provisions contained in the said section, the State Government may by rules require that effective screens or suitable goggles shall be provided for the protection of persons employed on, or in the immediate vicinity of, the process, involving risk of injury to the eyes from particles or fragments thrown off in the course of the process or risk to the eyes by reason of exposure to excessive light.

It is proposed to amend sub-section (2) of the said section so as to substitute the words “the State Government” by the words “the Central Government or the State Government”. The proposed amendment is consequential in nature.

Clause 20 of the Bill seeks to insert a new section 35A namely Personal Protective Equipment and protective clothing to the workers having regard to the nature of the hazards involved in the work. The said clause empowers the State Government or the Central Government to make rules prescribing the standards of maintenance, issue of personal protective equipment and protective clothing with a view to ensure their effectiveness in relation to the conditions of use and conformity to their quality standards.

Clause 21 of the Bill seeks to amend section 36 of the Act relating to precautions against dangerous fumes, gases, etc.

It is proposed to substitute the said section so as to provide certain provisions in respect of circumstance where a person is required to enter any chamber, tank, vat, pit, flue or other confined space in any factory in which any gas, fume vapor or dust is likely to be present to such an extent as to involve risk to persons being overcome thereby.

Clause 22 of the Bill seeks to amend section 37 of the Act relating to explosive or inflammable dust, gas, etc.

Under the existing provisions contained in the sub-section (1) of said section, where in any factory any manufacturing process produces dust, gas, fume or vapour of such character and to such extent as to be likely to explode on ignition, all practicable measures shall be taken to prevent any such explosion by— (a) effective enclosure of the plant or machinery used in the process; (b) removal or prevention of the accumulation of such dust, gas, fume or vapour; (c) exclusion or effective enclosure of all possible sources of ignition.

It is proposed to amend sub-section (1) of said section so as to provide that any manufacturing process, storage or handling of, raw material, intermediate product or finished product produces dust, gas, fumes or vapour to such an extent as to be likely to result in fire or explosion on ignition or otherwise, all practicable measures shall be taken to prevent any such fire or explosion. It is also proposed to insert new sub-section (4A) so as to provide that in any factory if any flammable gas, fume or dust is likely to be present in any area, the electrical equipment, apparatus and fittings installed in that area shall be selected, installed and maintained as per the National Electrical Code and shall conform to the relevant National Standards, or to an International Standard where National Standard is not available.

It is also proposed to insert a new sub-section (4B) so as to provide that the electrical equipment, apparatus and fittings referred to in sub-section (4A), shall be duly approved before use in factories by the Directorate General of Occupational Safety and Health.”

Clauses 23 of the Bill seeks so amend section 38 of the Act relating to precautions in case of fire.

Under the existing provisions contained in sub-section (3) of the said section, the State Government may make rules, in respect of any factory or class or description of factories, requiring the measures to be adopted to give effect to the provisions of sub-sections (1) and (2).

It is proposed to amend sub-sections (3) of the said section so as to substitute the words “the State Government” by the words “the Central Government or the State Government”. The proposed amendment is consequential in nature.

Clause 24 of the Bill seeks to amend section 40B of the Act relating to Safety Officers.

Under the existing provisions contained in sub-section (1) of the said section, in every factory,— (i) wherein one thousand or more workers are ordinarily employed, or (ii) wherein, in the opinion of the State Government, any manufacturing process or operation is carried on, which process or operation involves any risk of bodily injury, poisoning or disease, or

any other hazard to health, to the persons employed in the factory, the occupier shall, if so required by the State Government by notification in the Official Gazette, employ such number of Safety Officers as may be specified in that notification. Sub-section (2) of the said section provides that, the duties, qualifications and conditions of service of Safety Officers shall be such as may be prescribed by the State Government.

It is proposed to amend of the said section so as to substitute the words “the State Government” by the words “the Central Government or the State Government”. The proposed amendment is consequential in nature.

Clause 25 of the Bill seeks to amend section 41A of the Act relating to Constitution of Site Appraisal Committees.

It is proposed to amend the said section so as to substitute the words “the State Government” by the words “the Central Government or the State Government”. The proposed amendment is consequential in nature.

Clause 26 of the Bill seeks to amend section 41B of the Act relating to the Compulsory disclosure of information by the occupier.

Under the existing provisions contained in sub-section (4) of the said section, every occupier shall, with the approval of the Chief Inspector, draw up an on-site emergency plan and detailed disaster control measures for his factory and make known to the workers employed therein and to the general public living in the vicinity of the factory the safety measures required to be taken in the event of an accident taking place.

It is proposed to amend sub-section (4) of the said section so as to specify that the— (a) occupier of a factory involved in manufacture, storage or handling such hazardous substances in quantities equal to or more than such quantities as may be prescribed, shall draw up in consultation with workers representatives an on-site emergency plan and detailed disaster control measures for his factory and submit the same for information of Chief Inspector and other authorities as may be prescribed, (b) The occupier of the factory shall make known to the workers employed in the factory and to the general public in the vicinity of the factory, the safety measures required to be taken in accordance with the on-site emergency plan and detailed disaster control measures drawn under sub-clause (a) above in the event of an accident taking place. Proviso to this sub-section provided that the Central Government or the State Government or the Chief Inspector may, subject to the prior approval of the Central Government or the State Government, by order in writing, require any factory carrying on hazardous process, irrespective of the quantity of hazardous substances in the premises, to draw up an on-site emergency plan and disaster control measures.

It is further proposed to amend clause (a) and clause (b) of sub-section (5) of the said section so as to substitute the words “factory engaged” by the words “factory is engaged” and to insert the words “at least” before the words “within a period of” so as to make the said sub-section more comprehensive.

Clause 27 of the Bill seeks to amend section 41C of the Act relating to the specific responsibility of the occupier in relation to hazardous process.

Under the existing provisions contained in clause (a) of the said section, every occupier of a factory involving any hazardous process shall— (a) maintain accurate and up-to-date health records or, as the case may be, medical records, of the workers in the factory who are exposed to any chemical, toxic or any other harmful substances which are manufactured, stored, handled or transported and such records shall be accessible to the workers subject to such conditions as may be prescribed.

It is proposed to amend clause (a) of the said section so as to substitute the words “chemical, toxic or any other harmful substance” by the words “hazardous substances”, in order to make the section more comprehensive.

Clause 28 of the Bill seeks to amend section 41D of the Act relating to the power of Central Government to appoint Inquiry Committee.

Under the existing provisions contained in sub-section (1) of section 41D of the Act, the Central Government may, in the event of the occurrence of an extraordinary situation involving a factory engaged in a hazardous process, appoint an Inquiry Committee to inquire into the standards of health and safety observed in the factory with a view to finding out the causes of any failure or neglect in the adoption of any measures or standards prescribed for the health and safety of the workers employed in the factory or the general public affected or likely to be affected, due to such failure or neglect and for the prevention and recurrence of such extraordinary situations in future in such factory or elsewhere.

It is proposed to amend sub-section (1) of said section so as to substitute the words “prevention and recurrence” by the words “prevention of recurrence” in order to make the section more comprehensive.

Clause 29 of the Bill seeks to amend section 41E of the Act relating to the emergency standards.

Under the existing provisions contained in sub-section (1) of the said section, where the Central Government is satisfied that no standards of safety have been prescribed in respect of a hazardous process or class of hazardous processes, or where the standards so prescribed are inadequate, it may direct the Director- General of Factory Advice Service and Labour Institutes or any institution specialised in matters relating to standards of safety in hazardous processes, to lay down emergency standards for enforcement of suitable standards in respect of such hazardous processes.

It is proposed to amend sub-section (1) of the said section so as to substitute the words “Director-General of Factory Advice Service and Labour Institutes” by the words “Director General of Occupational Safety and Health” due to renaming of “Directorate General of Factory Advice Service and Labour Institutes” as “Directorate General of Occupational Safety and Health”.

Clause 30 of the Bill seeks to amend section 41F of the Act relating to the permissible limits of exposure of chemical and toxic substances.

Under the existing provisions contained in sub-section (1) of the said section, the maximum permissible threshold limits of exposure of chemical and toxic substances in manufacturing processes (whether hazardous or otherwise) in any factory shall be of the value indicated in the Second Schedule.

It is proposed to substitute the words “threshold limit of exposure of chemical and toxic substances in manufacturing process (whether hazardous or otherwise)” by the words “limits of exposure of chemicals and toxic substances in manufacturing process” in order to make the section more comprehensive.

Clause 31 of the Bill seeks amend section 41G of the Act relating to workers’ participation in safety management.

Under the existing provisions contained in sub-section (1) of the said section, the State Government may, by order in writing and for reasons to be recorded, exempt the occupier of any factory or class of factories from setting up Safety Committee.

It is proposed to amend sub-section (1) of the said section to substitute the words “the State Government” by the words “the Central Government or the State Government”. The proposed amendment is consequential in nature.

Clause 32 of the Bill seeks to insert a new section 41-I relating to power to make rules regarding hazardous process. The said clause provides that the Central Government or the State Government may make rules— (a) specifying standards of health and safety to be followed in hazardous process, (b) prohibiting or restricting employment of young persons,

pregnant women, and any class of adult workers in manufacture, storage or handling involving hazardous process, (c) prohibiting, restricting, or controlling the use of hazardous substances.

Clause 33 of the Bill seeks to amend section 45 of the Act relating to the First-aid appliances.

It is proposed to amend sub-section (3) of the said section so as to substitute the words “the State Government” by the words “the Central Government or the State Government”. The proposed amendment is consequential in nature.

Clause 34 of the Bill seeks to substitute section 46 of the Act relating to canteens.

Under the existing provisions contained in the said section, the State Government may make rules requiring that in any specified factory wherein more than two hundred and fifty workers are ordinarily employed, a canteen or canteens shall be provided and maintained by the occupier for the use of the workers. It is proposed to substitute the said section, so as to provide that in every factory wherein two hundred or more workers are ordinarily employed, there shall be provided and maintained a canteen or canteens by the occupier for the use of the workers.

It is also proposed to confer power upon the State Government to make rules on certain provisions relating to the canteens and also empowers the Chief Inspector to relax the requirement of providing canteens, for a period not exceeding twelve months, for existing factories, after recording the reason in writing.

Clause 35 of the Bill seeks to amend section 47 of the Act relating to shelters, rest rooms and lunch rooms.

Under the existing provisions contained in sub-section (1) of the said section, in every factory wherein more than one hundred and fifty workers are ordinarily employed, adequate and suitable shelters or rest rooms and a suitable lunch room, with provision for drinking water, where workers can eat meals brought by them, shall be provided and maintained for the use of the workers. The proviso to the said section says that any canteen maintained in accordance with the provisions of section 46 shall be regarded as part of the requirements of this sub-section.

It is proposed to amend sub-section (1) of the said section so as to impose responsibility on the employer of every factory to provide shelters and rest rooms wherein seventy five workers are ordinarily employed. The said clause also substitutes the words “suitable and separate shelters or rest rooms for male and female workers” for the words “suitable shelters or rest rooms”. The said clause also proposes to insert a new sub-section (4) so as to empower the Chief Inspector to relax the requirement of providing of shelters, rest rooms and lunch rooms, for a period not exceeding twelve months, for existing factories after recording the reasons.

Clause 36 of the Bill seeks to amend section 56 of the Act relating to spreadover.

Under the existing provisions contained in the proviso to section 56, the Chief Inspector may increase the spreadover up to twelve hours for reasons to be specified in writing.

It is proposed to amend the said proviso so as to provide that where the State Government is satisfied it may by notification in Official Gazette increase the period of spreadover upto twelve hours in a factory or group or class or description of factories.

Clause 37 of the Bill seeks to amend section 59 of the Act relating to extra wages for overtime.

Under the existing *explanation* to sub-section (3) of section 59, no mention has been made as what allowances has to be considered for computing the earnings for the days on which the worker actually worked.

It is proposed to amend the said *explanation* by explaining the term “such allowances” means all allowances except those of complementary in nature such as house rent allowance, transport and small family allowance.

Clause 38 of the Bill seeks to amend section 64 of the Act relating to power to make exempting rules.

Under the existing provisions contained in clause (iv) of sub-section (4) of the said section, the total number of hours of overtime shall not exceed fifty for any one quarter.

It is proposed to amend clause (iv) of sub-section (4) of the said section so as to increase the total number of hours of overtime for any one quarter from fifty to one hundred. It is also proposed to amend sub-section (5) of the said section so as to substitute the words “Rules made” by the words “Rule made before the commencement of Factories (Amendment) Act, 2014”.

Clause 39 of the Bill seeks to amend section 65 of the Act relating to power to make exempting orders.

Under the existing provisions contained in clause (iv) of sub-section (3) of the said section, no worker shall be allowed to work overtime for more than seven days at a stretch and the total number of hours of overtime work in any quarter shall not exceed seventy-five.

It is proposed to amend clause (iv) of sub-section (3) of the said section so as to increase the total number of hours of overtime work in any quarter from seventy-five to one hundred and fifteen. It is also proposed to insert a proviso in the said clause *explanation* which enables that the State Government or the Chief Inspector may, subject to the prior approval of the State Government, by order further enhance the total number of hours of overtime work in any quarter to one hundred and twenty-five in the public interest.

Clause 40 of the Bill seeks to substitute a new section 66 for section 66 of the Act relating to further restrictions on employment of women.

The existing provisions contained in the said section provides further restrictions on employment of women that—(a) no exemption from the provisions of section 54 may be granted in respect of any women, (b) no woman shall be required or allowed to work in any factory except between the hours of 6 A.M. and 7 P.M., (c) there shall be no change of shifts except after a weekly holiday or any other holiday.

Sub-section (2) of the said section provides that the State Government may make rules providing for the exemption from the restrictions set out in sub-section (1), to such extent and subject to such conditions as it may prescribe, of women working in fish-curing or fish-canning factories, where the employment of women beyond the hours specified in the said restrictions is necessary to prevent damage to, or deterioration in, any raw material.

Sub-section (3) of the said section provides that the rules made under sub-section (2) shall remain in force for not more than three years at a time.

It is proposed to substitute a new section 66 to the said section so as to provide that where the State Government or any person, authorised by it in this behalf, is satisfied that adequate safeguards exist in a factory as regards occupational safety and health, provision of shelter, rest rooms, lunch rooms, night crèches and ladies toilets, equal opportunity for women workers, adequate protection of their dignity, honour and safety, protection from sexual harassment, and their transportation from the factory premises to the door step of their residence, it may, by notification in the Official Gazette, after due consultation with, and obtaining the consent of, the women workers, representative organisation of women workers, the employer, representative organisation of the employer and representative organization of workers of the concerned factory or group or class or description of factories allow women to work between 7.00 P.M. and 6.00 A.M. in such factory or group or class or description of factories, subject to such conditions as may be specified therein.

It is further proposed to provide that no such permission shall be granted to a women worker during a period of sixteen weeks before and after her childbirth, of which at least eight weeks shall be before the expected childbirth, and for such additional period, if any, as specified in the medical certificate stating that it is necessary for the health of the woman worker or her child.

It is also proposed to provide that the restriction contained in the preceding proviso may be relaxed at the express request of a woman worker on the basis of the medical certificate stating that neither her health nor that of her child will be endangered.

Clause 41 of the Bill seeks to amend section 76 of the Act relating to the power of State Government to make rules.

Under the existing provisions contained in clause (b) of said section the State Government make rules prescribing the physical standards to be attained by children and adolescents working in factories. It is proposed to omit this clause.

Clause 42 of the Bill seeks to amend section 77 of the Act relating to certain other provisions of law not barred.

Under the existing provisions contained in section 77 of the Act the provisions of Chapter VII relating to employment of young persons shall be in addition to, and not in derogation of, the provisions of the Employment of Children Act, 1938.

It is proposed to amend said section so as to adopt the provisions of Child Labour (Prohibition and Regulation) Act, 1986 instead of Employment of Children Act, 1938 to the said Act.

Clause 43 of the Bill seeks to amend section 79 of the Act relating to Annual leave with wages.

Under the existing provisions contained in opening portion of sub-section (1), every worker who has worked for a period of 240 days or more in a factory during a calendar year shall be allowed during the subsequent calendar year, leave with wages for a number of days calculated at the rate of— (i) if an adult, one day for every twenty days of work performed by him during the previous calendar year; (ii) if a child, one day for every fifteen days of work performed by him during the previous calendar year.

It is proposed to amend sub-section (1) of the said section so as to decrease the computation of period of work from “240 days” to 90 days.

It is also proposed to amend *Explanation 1* to the sub-section (1) of said section so as to decrease the computation of period of work from 240 days to 90 days. It is also proposed to amend sub-section (2) of said section so as to replace the words “two thirds” by “one-fourth” in order to make the section more comprehensive.

Clause 44 of the Bill seeks to amend section 87 of the Act relating to the Dangerous operations.

Under the existing provisions contained in clause (b) of section 87 of the Act, where the State Government is of opinion that any manufacturing process or operation carried on in a factory exposes any persons employed in it to a serious risk of bodily injury, poisoning or disease, it may make rules applicable to any factory or class or description of factories in which the manufacturing process or operation is carried on prohibiting or restricting the employment of women, adolescents or children in the manufacturing process or operation.

It is proposed to amend the opening portion and clause (b) of said section so as to empower the Central Government or the State Government to make rules prohibiting or restricting the employment of young persons or women or persons with disabilities.

Clause 45 of the Bill seeks to amend section 88 of the Act relating to the notice of certain accidents.

Under the existing provisions contained in sub-section (3) of said section, the State Government may make rules for regulating the procedure at inquiries under the said section.

It is proposed to amend sub-section (3) of said section to substitute the words “the State Government” by the words “the Central Government or the State Government”. The proposed amendment is consequential in nature.

Clause 46 of the Bill seeks to amend section 89 of the Act relating to notice of certain diseases.

Under the existing provisions contained in sub-section (4) said section, if any medical practitioner fails to comply with the provisions of sub-section (2), he shall be punishable with fine which may extend to one thousand rupees.

It is proposed to omit sub-section (4) of the said section. The said proposal is consequential due to insertion of a new section 92B namely “Penalties in certain other cases”.

Clause 47 of the Bill seeks to amend section 90 of the Act relating to power to direct enquiry into cases of accident or disease.

Under the existing provisions contained in the said section, the State Government is empowered to make rules with respect to the provisions contained in the said section. It is proposed to amend said section so as to substitute the words “the State Government” by the words “the Central Government or the State Government”. The proposed amendment is consequential in nature

Clause 48 of the Bill seeks to amend section 91A of the Act relating to the Safety and occupational health surveys.

It is proposed to amend sub-section (1) of said section so as to substitute the words “Director General of Factory Advice Service and Labour Institutes” by the words “Director General of Occupational Safety and Health” due to renaming of “Directorate General of Factory Advice Service and Labour Institutes” as “Directorate General of Occupations Safety and Health”.

Clause 49 of the Bill seeks to substitute section 92 of the Act relating to General penalty for Offences.

It is proposed to amend the action so as to provide that in case of contravention of the provisions of Chapter I, III (except sections 11, 18, 19 and 20), IV, IVA (except sections 41B, 41C and 41H), VII and IX (except section 89) of this Act, or of any rules made thereunder or any order in writing given thereunder, the occupier and the manager of the factory shall each be guilty of an offence and punishable with imprisonment for a term which may extend to two years or with fine which may extend to three lakh rupees or with both, and in any case it shall not be less than thirty thousand rupees. It is further proposed that,—(i) where the contravention of any of the provisions of the Chapters referred to in sub-section (1) or rules made there under has resulted in an accident causing death or serious bodily injury, the fine shall not be less than seventy-five thousand rupees; (ii) if the contravention is continued after conviction under sub-section (1), then the occupier and manager of the factory shall each be guilty of an offence and punishable with a further fine which shall not be less than two thousand rupees for each day on which the contravention is so continued; (iii) in respect of any contravention of any of the provisions of this Act or any rules made there under or any order in writing given there under other than those mentioned under sub-section (1), for which no penalty has been provided the occupier and manager of the factory shall each be guilty of an offence and punishable with fine which may extend to one lakh fifty thousand rupees and if the contravention is continued after conviction, with a further fine which shall not be less than one thousand rupees for each day on which the contravention is so continued. It is further proposed to consolidate the provisions relating to penalties for violation of various provisions of the Act by a person other than occupier.

It is further to insert a new section 92B as penalty for offences by others than the occupier such as the competent person, medical practitioner or any worker. If any competent person appointed under clause 2(ca) fails to comply with any of the provisions under the act or rules he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extends to three lakh rupees or with both. It is also proposed as a consequential due to amendment of section 20, section 89, section 97 and section 111 of the Act. It is also proposed to compound in respect of offences specified in the Fourth Schedule to the Act namely section 92C which relates to Compounding of certain offences.

Clause 50 of the Bill seeks to substitute section 93 of the Act relating to Liability of owner of premises in certain circumstances.

It is proposed to substitute section 93 of the Act so as to impose liability upon the owner of premises in certain circumstances. It is also proposed to punish the owner of premises for contravention of any of the provisions of said section as if he were the occupier or manager of a factory and shall be punishable in accordance with the provisions of section 92.

Clause 51 of the Bill seeks to amend section 94 of the Act relating to the enhanced penalty after previous conviction.

It is proposed to amend sub-section (1) of said section so as to substitute the words “ten thousand rupees but which may extend to two lakh rupees” with the words “forty thousand rupees which may extend to six lakh rupees”.

It is also proposed to insert sub-section (1A) so as to provide that if any person who has been convicted of any offence punishable under section 92A is again guilty of an offence involving a contravention of the same provision, he shall be punishable on a subsequent conviction,— (i) in case of contravention of sub-section (1) of section 92A, with imprisonment for a term which may extend to one year or with fine which shall not be less than forty thousand rupees but which may extend to five lakhs rupees or with both; and (ii) in case of contravention of sub-section (2) of section 92A, with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both. It is also proposed to amend sub-section (2) of said section so as to insert the words, brackets, and figure and letter “sub-section (1A)” after the word, brackets, and figure “sub-section (1)”.

Clause 52 of the Bill seeks to amend section 95 of the Act relating to penalty for obstructing inspector.

Under the existing provisions contained in said section, whoever wilfully obstructs an Inspector in the exercise of any power conferred on him by or under this Act, or fails to produce on demand by an Inspector any registers or other documents in his custody kept in pursuance of this Act or of any rules made there under, or conceals or prevents any worker in a factory from appearing before, or being examined by, an Inspector, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to ten thousand rupees or with both.

It is proposed to amend said section so as to enhance the penalty from ten thousand rupees to thirty thousand rupees.

Clause 53 of the Bill seeks to amend section 96 of the Act relating to penalty for wrongfully disclosing results of analysis under section 91.

Under the existing provisions contained in said section, whoever wrongfully discloses results of analysis under section 91 shall be punishable with fine which may extend to ten thousand rupees.

It is proposed to amend said section so as to enhance the penalty from ten thousand rupees to thirty thousand rupees.

Clause 54 of the Bill seeks to amend section 96A of the Act relating to Penalty for contravention of the provisions of sections 41B, 41C and 41H.

Under the existing provisions contained in sub-section (1) said section, whoever fails to comply with or contravenes any of the provisions of sections 41B, 41C or 41H or the rules made there under, shall, in respect of such failure or contravention, be punishable with imprisonment for a term which may extend to seven years and with fine which may extend to two lakh rupees, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

It is proposed to enhance the fine from two lakh rupees to six lakh rupees and from five thousand rupees to fifteen thousand rupees in order to make the provisions more stringent.

Clause 55 of the Bill seeks to amend section 97 of the Act relating to offences by workers.

Under the existing provisions contained in sub-section (1) of said section, it is provided that subject to the provisions of section 111, if any worker employed in a factory contravenes any provision of this Act or any rules or orders made there under, imposing any duty or liability on workers, he shall be punishable with fine which may extend to five hundred rupees. It is proposed to amend sub-section (1) of said section so as to omit the provisions relating to penalty for contravention of any provisions of this Act with reference to section 111 of the Act. The said proposal is consequential due to insertion of new section 92B namely penalties in certain other cases.

Clause 56 of the Bill seeks to amend section 98 of the Act relating to penalty for using false certificate of fitness.

Under the existing provisions contained in section 98, whoever knowingly uses or attempts to use, as a certificate of fitness granted to himself under section 70, a certificate granted to another person under that section, or who, having procured such a certificate, knowingly allows it to be used, or an attempt to use it to be made, by another person, shall be punishable with imprisonment for a term which may extend to two months or with fine which may extend to one thousand rupees or with both.

It is proposed to amend the said section so as to increase the penalty from one thousand rupees to three thousand rupees in order to make the provision more stringent.

Clause 57 of the Bill seeks to amend section 99 of the Act relating to penalty for double employment of child.

Under the existing provisions contained in the said section, if a child works in a factory on any day on which he has already been working in another factory, the parent or guardian of the child or the person having custody of or control over him or obtaining any direct benefit from his wages, shall be punishable with fine which may extend to one thousand rupees unless it appears to the Court that the child so worked without the consent or connivance of such parent, guardian or person.

It is proposed to amend the said section so as to increase the penalty from one thousand rupees to three thousand rupees in order to make the provision more stringent.

Clause 58 of the Bill seeks to amend section 102 of the Act relating to Power of Court to make orders.

It is proposed to amend the said section so as to increase the penalty from one hundred rupees to three hundred rupees in order to make the provision more stringent.

Clause 59 of the Bill seeks to amend section 104 of the Act relating to the onus as to the age.

Under the existing provisions contained in the sub-section (2) of said section, a declaration in writing by a certifying surgeon relating to a worker that he has personally examined him and believes him to be under the age stated in such declaration shall, for the purposes of this Act and the rules made thereunder, be admissible as evidence of the age of that worker.

It is proposed to amend sub-section (2) of said section so as to provide that a declaration in writing shall be given by a certifying surgeon or any other medical practitioner under sub-section (2) of the section 16 of the Child Labour (Prohibition and Regulation) Act, 1986 (61 of 1986) relating to a worker stating therein that he has personally examined such worker to be under or over the age stated as such in the declaration shall, for the purposes of this Act and rules made thereunder, be conclusive evidence as to the age of that worker.

Clause 60 of the Bill seeks to amend section 111 of the Act relating to the obligations of workers.

Under the existing provisions contained in the sub-section (2) of said section, if any worker employed in a factory contravenes any of the provisions of this section or of any rule or order made thereunder, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

It is proposed to amend section 111 of the Act so as to omit sub-section (2) of said section. The said proposal is consequential due to insertion of new section 92B namely, penalties in certain other cases.

Clause 61 of the Bill seeks to amend section 112 of the Act relating to general power to make rules by State Government. The said clause empowers the State Government to make rules for carrying out the provisions of the proposed legislation.

It is proposed to amend the section 112 by inserting the words “subject to the provisions contained in section 112A” thus, empowering the State Governments to make rules where the Central Government has not been empowered to make rules.

Clause 62 of the Bill seeks to insert a new section 112A namely, “Power to make rules by Central Government”.

The said clause empowers the Central Government to make rules in consultation with the State Governments with a view to bring uniformity in the areas of occupational safety, health or such other matters as it may consider necessary. It also provides that the rules made under the proposed legislation are required to be laid before both the Houses of Parliament.

Clause 63 of the Bill seeks to omit First Schedule to the Act. The said Schedule specifies list of industries involving hazardous processes. The said proposal is consequential due to amendment of clause (cb) of section 2 of the Act, relating to the definition of “hazardous process” and insertion of a new clause (cc) relating to the definition of the term “hazardous substances”.

Clause 64 of the Bill seeks to insert a new Schedule after the Third Schedule to the Act which provides the list of Compoundable Offences. The said proposal is consequential in nature.

FINANCIAL MEMORANDUM

There are no financial implications of the Factories (Amendment) Bill, 2014. Hence, consultation with Ministry of Finance is not required.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government in addition to the State Government to prescribe a standard of adequate ventilation and reasonable temperature for any factory or class or description of factories or parts thereof and direct that proper measuring instruments, at such places and in such position as may be specified, shall be provided and such records, as may be prescribed, shall be maintained.

2. Clause 7 of the Bill empowers the Central Government in addition to the State Government to prescribed standards of sufficient and suitable lighting for factories or for any class or description of factories or for any manufacturing process.

3. Clause 10 of the Bill empowers the Central Government in addition to the State Government to make rules so as to prescribe such further precautions as it may consider necessary in respect of any particular machinery or part thereof, or exempt, subject to such condition as may be prescribed, for securing the safety of the workers, any particular machinery or part thereof from the provisions of section 21(2).

4. Clause 11 of the Bill empowers the Central Government in addition to the State Government to make rules so as to prohibit in any specified factory or class or description of factories, the cleaning, lubricating or adjusting by any person of specified parts of machinery when those parts are in motion.

5. Clause 12 of the Bill empowers the Central Government in addition to the State Government to make rules so as to restrict the employment of young persons on dangerous machines.

6. Clause 15 of the Bill empowers the Central Government in addition to the State Government to make rules regarding hoists and lifts.

7. Clause 16 of the Bill empowers the Central Government in addition to the State Government to make rules in respect of any lifting machine or any chain, rope or lifting tackle used in factories so as to prescribe further requirements to be complied with in addition to those set out in this section, or to exempt from compliance with all or any of the requirements of section 29, wherein its opinion, such compliance is unnecessary or impracticable.

8. Clause 17 of the Bill empowers the Central Government in addition to the State Government to make rules providing for the examination and testing of any plant or machinery and prescribing such other safety measures in relation thereto as may in its opinion be necessary in any factory or class or description of factories, or to exempt, subject to such conditions as may be specified therein, any part of any plant or machinery from the provisions of section 31.

9. Clause 18 of the Bill empowers the Central Government in addition to the State Government to make rules so as to prescribe the maximum weights which may be lifted, carried or moved by adult men, adult women, adolescents and children employed in factories or in any class or description of factories or in carrying on any specified process.

10. Clause 19 of the Bill empowers the Central Government in addition to the State Government to make rules in respect of any prescribed manufacturing process which involves risk of injury to the eyes from particles or fragments thrown off in the course of the process, or risk to the eyes by reason of exposure to excessive light so as to provide for requirement of effective screens or suitable goggles for the protection of persons employed on or in the immediate vicinity of the process.

11. Clause 20 of the Bill empowers the Central Government in addition to the State Government to make rules so as to prescribe a standard of maintenance, issue of personal protective equipment and protective clothing with a view to ensure their effectiveness in relation to the conditions of use and conformity to their quality standards.

12. Clause 23 of the Bill empowers the Central Government in addition to the State Government to make rules in respect of any factory or class or description of factories,

requiring the measures to be adopted to give effect to the provisions of sub-sections (1) and (2) of section 38.

13. Clause 24 of the Bill empowers the Central Government in addition to the State Government to prescribe the duties, qualifications and conditions of service of Safety Officers.

14. Clause 25 of the Bill empowers the Central Government in addition to the State Government to make rules related to constitution of site appraisal committees.

15. Clause 31 of the Bill empowers the Central Government in addition to the State Government to make rules related to workers participation in safety management by setting up safety committee.

16. Clause 32 of the Bill empowers the Central Government in addition to the State Government to make rules for – (a) specifying standards of health and safety to be followed in hazardous process; (b) prohibiting or restricting employment of young persons, pregnant women, any class of adult workers in manufacture, storage or handling involving hazardous process; and (c) prohibiting, restricting or controlling the use of hazardous substances.

17. Clause 33 of the Bill empowers the Central Government in addition to the State Government regarding recognition of the certificate in first-aid treatment for the person in charge of the first-aid box.

18. Clause 44 of the Bill empowers the Central Government in addition to the State Government to make rules regarding exposure of a person in serious risk in the factories.

19. Clause 45 of the Bill empowers the Central Government in addition to the State Government to make rules regarding the procedure for the notice of the certain accidents to be given by the factory management.

20. Clause 47 of the Bill empowers the Central Government in addition to the State Government to make rules for regulating the procedure at inquiries in respect of matters relating to power to direct enquiry into cases of accident or disease.

21. Clause 62 of the Bill empowers the Central Government to make rules. However, the Central Government may, and in consultation with the State Governments, frame rules with a view to bring uniformity in the areas of occupational safety, health or such other matter as it may consider necessary.

22. The matters in respect of which regulations may be made are matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

P.K. GROVER,
Secretary-General.